

Amendment Dated 11/10/05  
Response to Office Action Dated 08/10/05

Application No. 09/868,713  
Attorney Docket No. 00522.00175

### REMARKS

Claims 1-20 are pending with this paper. Claims 1-18 are rejected by the Office Action. Applicant is amending claims 1-10 and is adding claims 19-20.

Applicant filed a Preliminary Amendment to change the title to "A SIMULATION ENABLED FEEDBACK SYSTEM".

#### **Other Amendments**

Applicant is amending claims 2-9 to replace "A" with "The" and to replace "method" with "computer-implemented method" to establish a proper antecedent basis.

#### **Claim Rejections - 35 U.S.C. § 101**

The invention as disclosed in claims 1-9 are rejected under 35 U.S.C. 101 as being non-statutory subject matter.

The Office Action alleges (Page 2, section 4.):

While applicant's invention is directed towards technological arts, Applicant's claim language is not limited to practical applications. In particular, examiner has found the claimed subject matter, to be one of three exclusions recognized, outside the statutory category of invention, an abstract idea.

The Office Action further states (Page 4, section 6):

It should be noted that if the claimed subject matter were amended to recite the invention of which, being implemented on a computer or processor or computer-implemented method or process or whatever word(s) or phrase(s) the written description of the specification recites for the feature(s) of the computer, the rejection under 35 U.S.C. § 101 would be withdrawn.

Applicant is amending claims 1-9 to be directed to a computer-implemented method in concert with the Examiner's suggestion. The amendments are supported by the specification as originally filed, e.g., Figure 1 and page 3, lines 1-23. Applicant requests reconsideration of claims 1-9.

Amendment Dated 11/10/05  
Response to Office Action Dated 08/10/05

Application No. 09/868,713  
Attorney Docket No. 005222.00175

**Claim Rejections ~ 35 U.S.C. § 102**

**Claims 1-6 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,727,950 (Cook)**

Applicant is amending claim 1 to include the features of "analyzing, by the computer system, system tools that process the input from the student, the input corresponding to collective actions provided by the student" and "simulating a business outcome from the collective actions of the student." The amendment is supported by the specification as originally filed, e.g., page 3, lines 32 - page 4, line 4 and the Abstract. Regarding claim 1, the Office Action alleges that Cook teaches (Page 4, section 8):

... (d) analyzing system tools that process the input from the student; [see Abstract] ...

However, Cook fails to even suggest the feature of "simulating, by a modeling tool that is executed by the computer system, a business outcome from the collective actions of the student." Cook, as disclosed by fig. 4 and col. 26, lines 35-61 merely discloses the student's agent responding to a single act (corresponding to wrong button input button 504 in which the student is answering arithmetic problem 503) and not to collective actions of the student. Moreover, Cook fails to even suggest anything about a business outcome.

Applicant has similarly amended claim 10 to include the features of "logic that analyzes system tools that process the input from the student, the input corresponding to collective actions provided by the student" and "logic that simulates a business outcome from the collective actions of the student." Claims 2-6 and 11-15 ultimately depend from claims 1 and 10 and are not anticipated for at least the above reasons. Applicant requests reconsideration of claims 1-6 and 10-15.

Amendment Dated 11/10/05  
Response to Office Action Dated 08/10/05

Application No. 09/868,713  
Attorney Docket No. 00522.00175

**Claim Rejections – 35 U.S.C. § 103**

**Claims 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of USPN 5,862,223 (Walker).**

Claims 7-9 depend from claim 1 and claims 16-18 depend from claim 10. Moreover, Walker does not make up for the deficiencies of Cook. Thus, claims 7-9 and 16-18 are patentable for at least the above reasons. Applicant requests reconsideration of claims 7-9 and 16-18.

Applicant is adding claims 19 and 20, which are supported by the specification as originally filed. It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Date: November 10, 2005

Respectfully submitted,



Kenneth F. Smolik  
Registration No. 44,344  
BANNER & WITCOFF, LTD.  
10 S. Wacker Drive, Suite 3000  
Chicago, IL 60606-7407  
Telephone: 312-715-1000  
Facsimile: 312-715 1234